

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Town of Moreau
Planning Board Meeting
Monday, August 16, 2021

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Planning Board Members Present

Peter Jensen	Planning Board Chairperson
John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Adam Seybolt	Alternate Planning Board Member

Planning Board Members Absent

Gerald Bouchard Planning Board Member

Also present: Jim Martin, Zoning Administrator, Barbara Bartlett, Recording Secretary

The meeting was called to order at 7:00pm by Chairperson Jensen, dispensing with minutes and moving on to the first order of business.

#1 Casey Subdivision
Mott Road and Gansevoort Rd (NYS Rt. 32)
Public Hearing
Subdivision - Final Stage

Subdivision requested: Applicant is proposing a two-lot subdivision of an existing parcel with frontage on Gansevoort Rd and Mott Rd. The total area consists of 10± acres and each proposed lot will be 5± acres in area. (Max Map No. 91.-1-35.12)

Planning Administrator Jim Martin confirmed this was a properly noticed Public Hearing starting at 7:01 pm and confirmed with the applicant that they put the sign up. Bill Rourke presented the request to subdivide the existing 10-acre lot on the corner of Mott Rd and Rt. 32 into two (2) 5acre parcels.

Mr. Martin stated that the only outstanding item is the renumbering of the plat (Lots 1 & 2).

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Chairperson Jensen stated they would move to the Short Environmental Assessment Form and asked if the Board had any questions on Part 1 for the Casey Subdivision.

John Arnold noted that on Item 14 on the Short EAF, Section 1, there was an “X” on Forest, Agriculture and Grasslands, and an “X” on Urban. Mr. Arnold confirmed with Mr. Rourke that there is no Urban - no sidewalks, pavement, multi-story buildings.

With no further questions, the Board then reviewed Short EAF, Part 2.

Motion to make a negative declaration on the EAF for Casey Subdivision was made by Mr. Bergman and seconded by Ms. Mathias.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bergman	Yes
Ms. Purdue	Yes
Mr. Shaver	Yes
Ms. Mathias	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

Chairman Jensen read into record the ground rules and expectations for the public hearing, and then asked for any questions, comments, or concerns for the proposed Casey Subdivision.

Karen Woods asked if there are other regulations, aside from those on the questionnaire, in regard to retaining farming land, or loss of farmland, and the impacts that converting farmland into subdivisions may have on the retention of farmland.

Chairman responded that there is a consideration in our regulations that if it is allowed use of the property, they cannot tell you that you cannot do something that is allowed by the regulations.

Ms. Woods asked, and it was confirmed that 5 acres is the minimum for subdivision in this zoning area. She also asked if the lot was evaluated for erosion, drainage, etc. and was told it was at the time of the original subdivision and would be again at the time of any building permit application.

Ms. Woods stated that she is concerned with erosion of her farmland, which is happening already. She stated that she was never informed of the major subdivision that happened over COVID due to the wrong name on plat.

Mr. Martin stated that the subdivision does not necessarily mean that the Agricultural use will change, and Mr. Arnold stated that there is nothing in a subdivision plan that allows for dumping of excess water or run-off from subdivision onto another property and if it turns out that there is run-off in the future, she can contact the Planning Board for a remedy, as that is not allowed.

Mr. Arnold also confirmed that subdividing legally ends at 5 acres.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Mr. Martin pointed out as well that there are other interests trying to be met by the regulation - such as a decrease in the burdensomeness of exchange of property among family members. Mr. Martin also stated that the zoning plan is being looked at now to be re-written and that input is welcome.

Mr. Rourke was asked who owned this property and he stated that the estate is owned by the family of George Baker, who is deceased, and confirmed that this additional request to subdivide one lot into two lots, comes after the property had already been subdivided into four lots from one (now making it a 5-lot subdivision).

Public hearing was closed at 7:20 pm.

A motion was made by Erik Bergman and seconded by Ann Purdue to give preliminary approval to the Casey Subdivision. Motion was amended to rename this the “Jacqueline B. Casey Subdivision” (as there is already an approved “Casey Subdivision”) after the applicant.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bergman	Yes
Ms. Purdue	Yes
Mr. Shaver	Yes
Ms. Mathias	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

A motion is made by John Arnold and seconded by Ann Purdue to waive the requirement for a separate meeting for final approval.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bergman	Yes
Ms. Purdue	Yes
Mr. Shaver	Yes
Ms. Mathias	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

A motion is made by John Arnold and seconded by Erik Bergman to grant final approval to the Jacqueline B. Casey Subdivision.

Roll call vote resulted as follows:

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Mr. Arnold	Yes
Mr. Bergman	Yes
Ms. Purdue	Yes
Mr. Shaver	Yes
Ms. Mathias	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes

All in favor, motion carries.

A motion is made by John Arnold and seconded by Erik Bergman that the Chair and one other member of the Board sign the mylars when they are presented. All in favor, motion carried with no roll call.

Jim Martin clarified for Mr. Rourke that they are no longer requiring two mylars, only one, but would appreciate a couple of paper copies.

#2 Baker Falls Solar, LLC
11-15 Electric Drive, Moreau, NY Public
Hearing
Site Plan Review - Preliminary Stage

Site plan: The project consists of a ground-mounted photovoltaic (PV) system to be installed on lands within tax parcel nos. 50.-4-26; 50.-4-27; and 50.-4-28. The proposed PV system is sized to generate approximately 2.5 MW (DC) of electricity and will occupy a project area of approximately 13.4± acres (fenced area) on the combined 32.6± acres of the three referenced parcels. The project will involve the construction of a fixed position solar array that will utilize central inverter and transformer equipment which will be accessed via a gravel surfaced service road from Farnan Road. The solar array will connect to the existing electric grid along the eastern boundary of the parcel.

Travis Mitchell with Environmental Design Partnership, and Mike Cucchiara of Nexamp, presented a slide presentation regarding community solar with a quick overview of the project, reviewed the specifics of the Site Plan for the Board and the public, and outlined the steps taken to date regarding the approval process.

The Chair asked for questions from the Board.

Ann Purdue inquired as to whether subscribers to the project are in Moreau - or if they are in another state. Presenter believes that the project does not have subscribers yet at this stage, but that subscription would not be limited to Moreau only, but to the National Grid service area of Upstate NY. Ms. Purdue also inquired about a letter in the documents regarding archaeological review and was informed that some changes had been necessary for the access road, along with some additional testing within the array itself, which have all been completed. They are also working with an internal construction team regarding an

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

updated decommissioning plan and to include an updated cost current with 2021 pricing. This will be resubmitted for the September public hearing.

Chairperson Jensen turned to Part I of the Environmental Assessment Form for this project and asked if the Board had any questions, comments, or concerns, and none were raised. Environmental assessment form for this project. The Board proceeded to Part II. Question 1 was answered "Yes".

There was a conflict of opinion on Part II Question 7 Impact on Plants and Animals. Ms. Purdue expressed concerns regarding Question 7c on the form. Jim Martin read into record a letter from the DEC of No Jurisdiction Endangered Species Act stating that the proposal to develop the property is not likely to result in the wake of threatened or endangered species, and that while hooker's orchid is known to occur in the vicinity of the site, there are no orchids on property and no permit is required at this time. The Board also agreed that a "small" impact may occur in regard to Question 7h.

Regarding Question 10 - Jim Martin made reference to a letter dated February 16, 2021, from the State Parks stating they acknowledge that a Phase 1B is appropriate to undertake, and that they will review that when it is done. Mr. Martin stated that it is his opinion that they could do a conditioned negative declaration. Applicant offered to provide studies at the next meeting, and Mr. Martin reiterated that the archaeological study is an open item. Chairman Jensen stated as well that the town board went through this when they created the park and had designated certain areas at the time that were archaeologically sensitive.

Regarding Part 3 - Determination of Significance: A motion was made by Erik Bergman and seconded by Ann Purdue to propose a conditional negative declaration, conditional upon acceptance of archaeological review.

Roll call vote resulted as follows:

Mr. Arnold	Yes
Mr. Bergman	Yes
Ms. Purdue	Yes
Mr. Shaver	Yes
Mr. Seybolt	Yes
Chairman Jensen	Yes
Ms. Mathias	Abstained

Six in favor, one abstention, motion carries.

Chairman Jensen read into record the ground rules and expectations for the public hearing, and then asked for any questions, comments, or concerns for the Public Hearing for Baker Falls Solar.

Vincent Spore of 163 Fort Edward Rd expressed concerns with storm water runoff from the creek on the west side of the solar array. Travis stated that they will comply with DEC regulations, and the water will infiltrate just as it does now. Mr. Spore asked if grading would happen toward the retention and away from the creek, and Travis stated that there will be no grading except that which occurs for the roadway.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Mr. Spore stated that he wants to go on record regarding his concerns with the runoff and his culverts. Mr. Spore also expressed his concerns regarding cutting trees down to put up solar fields from an environmental standpoint. Travis explained that the carbon reduction realized in fossil fuels from this project will far outpace what would have been sequestered by that forest. John Arnold also pointed out that this is being placed in an industrial/manufacturing zone.

The Chair asked for questions from the Board. John Arnold asked if this is AC or DC installation? Travis stated that the ground power that is installed will be DC, but the power coming out (the product) will be AC.

Mr. Spore asked if the property is assessed/taxed and was told that would be a question for the board, but that the assessment will be value-added. Travis stated that they will be paying taxes, but also will be seeking a PILOT (Payment in Lieu of Taxes) for 15 years.

Public hearing was closed at 8:11 pm.

Jim Martin confirms that SWPPP is signed off, per a letter dated June 11th.

With nothing further at this time, Chairman Jensen stated that this project should be placed on agenda for the September meeting.

#3 Denno Contracting, LLC
305-309 Reynolds Road, Moreau, NY Subdivision -
Preliminary Stage

Subdivision requested: Applicant is proposing a four-lot subdivision of an existing parcel with frontage on Reynolds Road. The total area consists of 5.09± acres and the proposed lot sizes will range from .55± acres to 2.49± acres in area. (Max Map No. 63.4-4-54.1)

Garry Robinson, Consulting Engineer representing Denno Contracting, presented a proposal for a 4-lot subdivision with a common driveway, and submitted an easement agreement for planning board review and comment.

In regard to Stormwater, Garry described an existing culvert and pond system and the proposal for a conservation easement (covenant) around the pond, along with a fence. Jim Martin stated that a covenant to protect the drainage system is a good idea and should be made to ensure an allowance for access for maintenance purposes, though not necessarily naming a specific entity. He suggested that the applicant come up with the language for the covenant to be in the deed for this lot, granting conservation and right to access, and submit to Karla Buetner, Attorney for the Town, for her review.

Peter Jensen and John Arnold stated that they would like to require that the property owners use the common drive, as opposed to coming right out onto Rt 197.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Mike Shaver questioned the fire turnaround. Garry said that the plan for both the easement and the road have been widened to support fire trucks. Mr. Shaver asked if the road would be continuously plowed, and Garry confirmed that is in the Access & Maintenance Agreement and that the agreement was reviewed by the fire company, who had no problem with it. Mr. Shaver said that he would like to see something in writing from the fire company stating that they are ok with the agreement.

John Arnold spoke against allowing signage to name the common drive, Mike Shaver and Ann Purdue disagreed due to fire address reasons. Mr. Arnold pointed out that each of the 4 lots has frontage on Rt 197, and that “private roads” are not allowed in town, only shared drives. Mr. Martin reminded the Board that the assessor assigns addresses, and that a street sign would not change that. Mr. Martin suggested that Garry go to the Assessor now to get an idea of what the numbering will be.

Garry would like to schedule a public hearing for the next meeting. Chairman Jensen asked the Board if they have enough information for a public hearing. Meredith Mathias and Mike Shaver stated they felt they needed more information and an opinion from Karla, John Arnold stated he felt they had enough information for a public hearing - but would not go forward after that point without word from Karla regarding stormwater access.

A motion was made by John Arnold and seconded by Erik Bergman to schedule a public hearing for Denno Contracting LLC for September 20, 2021, at 7:01 pm. All in favor, motion carried with no roll call.

#4 Cerrone Builders
1588-1590 Route 9, Moreau, NY
Site Plan Review – Concept Stage

Site Plan: Applicant is proposing to construct a 30,000 sq. ft. light manufacturing building. Space will be reserved for potential future subdivision and commercial development. Water and sewer service will be from the Town of Moreau municipal infrastructure. Stormwater will be managed on site. (Max Map No. 63.-1-44)

Meredith Mathias wished to disclose that she has a friendship with the Cerrone family, but no financial interest.

Joseph Dannible of Environmental Design Partnership presented, explaining the application of Cerrone Builders is for a 30,000 square foot light manufacturing use to be established at 15881590 Route 9, for the production of cannabis products. Property is located entirely within the C1 zone where light manufacturing use is permitted under special use permit.

Anticipated user is ready to commit to the property, following the Planning Board feedback during this concept stage.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 16th day of August 2021 at 7:00 pm.

Jim Martin clarified that Special Use permits are issued by the Zoning Board of Appeals, which needs to happen first (or concurrently) followed then by site plan review, but also agreed that it is a good idea to give the Planning Board notice as they will often be asked for input by the Zoning Board.

Ann Purdue asked if the user will be a tenant and Mr. Dannible confirmed that it would be a lease of the land. Mike Shaver asked for clarification of the use of the building. Mr. Dannible explained that it would be used for the growing, manufacturing, and processing of cannabis for distribution to dispensaries.

Mr. Shaver expressed concern with smells that may come from this type of use. Mr. Dannible stated that there are odors associated, but that the tenant they have in mind has experience with this use (in Massachusetts) and the steps needed to bring the smell down to almost nothing. Mr. Shaver stated that this is a residential area with schools and that he would be against this type of use in town.

John Arnold asked what percentage of the facility would be designed for growing, and Anthony Cerrone answered that approximately 50% would be for growing, and 50% for processing and packaging. Mr. Arnold stated that he would like clarification as to whether the growing of marijuana actually falls under the definition of “manufacturing”. Mr. Arnold also expressed concerns regarding odors and stated that air filtration is an extreme priority.

Mr. Arnold inquired as to why, if this is strictly manufacturing use and not retail, are they not proposing this in the industrial park instead of this commercial area. Mr. Dannible stated that they believe that it meets the zoning and that it is a light manufacturing use. Jim Martin stated this is the first time he had heard the word “cannabis” associated with this property. He stated that there is an established system that they have in place for determining land uses and their appropriate classification under our code, and that he will make an official determination.

Chairman Jensen asked Mr. Martin if he needed anything further from the Board. He did not and stated they should be on track for a regular meeting in September.

Motion to adjourn the meeting was made by Mr. Arnold and seconded by Ms. Mathias. All in favor, motion carried, no roll call.

Meeting was adjourned at 9:29 pm.

Respectfully submitted,

Barbara Bartlett